LOS/PCN/SCN.4/WP.16/Add.9
9 December 1993

ORIGINAL: ENGLISH

PREPARATORY COMMISSION FOR THE INTERNATIONAL
SEABED AUTHORITY AND FOR THE INTERNATIONAL
TRIBUNAL FOR THE LAW OF THE SEA
Special Commission 4

PROVISIONAL REPORT OF SPECIAL COMMISSION 4

(DRAFT REPORT OF THE PREPARATORY COMMISSION UNDER PARAGRAPH 10 OF RESOLUTION I CONTAINING RECOMMENDATIONS FOR SUBMISSION TO THE MEETING OF STATES PARTIES TO BE CONVENED IN ACCORDANCE WITH ANNEX VI, ARTICLE 4, OF THE CONVENTION, REGARDING PRACTICAL ARRANGEMENTS FOR THE ESTABLISHMENT OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA)

Addendum*

(Provisional rules of procedure for the Meeting of States Parties to the Convention, convened in accordance with Annex VI, article 4, of the Convention)

(Working paper prepared by the Secretariat)

Explanatory note

1. Special Commission 4 decided that provisional rules of procedure should be prepared by the Secretariat and made available for the Meeting of States Parties, but that it would not be necessary for the Special Commission to review the provisional rules before its submission to the Meeting of States Parties (LOS/PCN/L.81, paras. 16 and 17).

2. The present working paper was prepared by the Secretariat pursuant to that request and will be transmitted to the Meeting of States Parties as an addendum to the report of the Special Commission.

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* This working paper also constitutes addendum 9 to document LOS/PCN/SCN.4/WP.15, which was not previously issued as a separate document.

3. Since the issues were not discussed in the Special Commission, the Secretariat drew on the most relevant precedent, in particular, the rules of procedure of the Third United Nations Conference on the Law of the Sea (A/CONF.62/30/Rev.3); those of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea (LOS/PCN/28 and Corr.1); the provisional rules of procedure of the General Assembly prepared by the Preparatory Commission of the United Nations (PC/20); the rules of procedure of the General Assembly (A/520/Rev.14); and the draft standard rules of procedure for United Nations Conferences (A/37/163).

4. In formulating the provisions in the present working paper, the precedent referred to had necessarily to be modified, taking into account the nature of the Meetings of States Parties. While the practices of the institutionalized standing bodies, such as the General Assembly of the United Nations, are appropriate in certain contexts, it is to be noted that the Meeting of States Parties would not be quite of the same character. Likewise, the precedents relating to conferences, such as the Third United Nations Conference on the Law of the Sea and sessions of the Preparatory Commission itself, are most relevant but they do not fulfil all of the requirements. Unlike a conference with a single and continuing agenda, each Meeting of States Parties would have a different and evolving agenda which is not continuing.

PROVISIONAL RULES OF PROCEDURE

I. MEETINGS

Rule 1

First and subsequent Meetings of States Parties

1. A Meeting of States Parties to the United Nations Convention on the Law of the Sea (hereinafter referred to as "the Convention") shall be held within three years of the first Meeting of States Parties convened within six months of the date of entry into force of the Convention by the Secretary-General in accordance with Annex VI, article 4, of the Convention.

2. Meetings of States Parties to the Convention shall be reconvened every three years thereafter.

Rule 2

Meaning of the terms "the Meeting" and "Meeting of States Parties"

1. For the purposes of these rules "the Meeting" refers to the composite body of States Parties participating.

2. In so far as a Meeting of States Parties refers to the occasion when States Parties meet periodically for the purposes referred to in Annex VI, article 4, references in these rules would be made to "Meeting of States Parties".

Rule 3

Notification

Meetings of States Parties shall be convened by notification addressed to States Parties at least ninety days in advance of the opening of the Meeting of States Parties.

Rule 4

Special Meetings of States Parties

1. Special Meetings of States Parties shall be held within ninety days of:

(a) The receipt by the President of a request for such a Meeting of States Parties from a majority of States Parties;

(b) The occurrence of a vacancy in the membership of the Tribunal; and

(c) The request of the President in consultation with the members of the Tribunal.

2. The date of commencement and the duration of each Meeting of States Parties shall be decided by the President in consultation with the States Parties. 1/

Rule 5

Notification to observers

Copies of the notice convening each Meeting of States Parties shall be addressed to observers referred to in rule 15.

Rule 6

Temporary adjournment of meetings

The Meeting may decide to adjourn temporarily and resume at a later date.

II. AGENDA

Rule 7

Provisional agenda

The provisional agenda for the Meeting of States Parties shall be drawn up by the Registrar and communicated to the States Parties and to observers at least sixty days before the opening of the Meeting of States Parties. The provisional agenda for the triennial Meeting of States Parties shall include:

(a) Election to fill vacancies in the membership of the Tribunal; 2/

(b) A report of the Registrar on the work of the Tribunal;

(c) Items, the inclusion of which have been ordered at a previous Meeting of States Parties;

(d) Items proposed by the President and a majority of members of the Tribunal;

(e) Items proposed by a State Party;

(f) Items pertaining to the budget for the current or next financial period and the report on the accounts for the previous financial period; and

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1/ Consistent with article 6, paragraph 1, of Annex VI.

2/ Consistent with the purpose of the meeting convened in accordance with article 4, paragraph 4, of Annex VI to fill vacancies arising upon the expiration of the three-year term of judges in the first instance, and thereafter the triennial cadence of vacancies (article 5 of Annex VI).

(g) All items which the Registrar deems necessary to put before the Meeting.

Rule 8

Provisional agenda for special Meetings of States Parties

The provisional agenda for a special Meeting of States Parties shall consist only of those items proposed for consideration in the request for the holding of the Meeting of States Parties.

Rule 9

Supplementary items

Any State Party, the President in consultation with members of the Tribunal, or the Registrar, may, at least thirty days before the date fixed for the opening of the Meeting of States Parties, request the inclusion of supplementary items in the agenda. Such items shall be placed in a supplementary list, which shall be communicated to the States Parties and to observers at least twenty days before the opening of the Meeting of States Parties.

Rule 10

Additional items

Additional items of an important and urgent character, proposed for inclusion in the agenda less than thirty days before the opening of the Meeting of States Parties or during a Meeting of States Parties, may be placed on the agenda if the States Parties so decide by a majority of the States Parties present and voting.

Rule 11

Adoption of the agenda

At each Meeting of States Parties, the provisional agenda and the supplementary list, together with the report of the General Committee thereon, shall be submitted to the Meeting for approval as soon as possible after the opening of the Meeting of States Parties.

Rule 12

Amendment and deletion of items

Items on the agenda may be amended or deleted by a majority of the States Parties present and voting.

Rule 13

Modifications of the allocation of expenses

No proposal for a modification of the allocation of expenses for the time being in force shall be placed on the agenda unless it has been communicated to the States Parties at least ninety days before the opening of the Meeting of States Parties.

III. PARTICIPATION

Rule 14

States Parties

The Meeting is open to States Parties to the United Nations Convention on the Law of the Sea, as defined in article 1, paragraph 2, of the Convention.

Rule 15

Observers

1. The following may participate as observers in the Meeting:

(a) Observers referred to in rule 2 of the Rules of Procedure of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea;

(b) Observers referred to in article 319, paragraph 3 (b), of the Convention; 3/

(c) Non-governmental organizations recognized by the Economic and Social Council.

3/ Article 319, paragraph 3 (b), of the Convention provides for the participation of observers, by a reference to article 156, paragraph 3. That article provides that: "Observers at the Third United Nations Conference on the Law of the Sea who have signed the Final Act and who are not referred to in article 305, paragraph 1 (c), (d), (e) or (f), shall have the right to participate in the Authority as observers, in accordance with its rules, regulations and procedures."

2. Representatives of observers referred to in paragraph 1 (a) and (b) of this rule may participate subject to the provisions of these rules in the deliberations of the Meeting but shall not be entitled to participate in the taking of decisions.

3. Written statements submitted by observers shall be distributed by the Secretariat to the Meeting.

4. Observers referred to in paragraph 1 (c) of this rule may designate representatives to sit at public meetings of the Meeting and, upon invitation by the President and subject to the approval by the Meeting, may make oral statements and submit written statements on questions within the scope of their activities.

IV. REPRESENTATION AND CREDENTIALS

Rule 16

Representation

1. Each State Party shall be represented by accredited representatives and such alternate representatives and advisers as may be required.

2. Observers shall be represented by accredited or designated representatives, as the case may be, and by such alternate representatives and advisers as may be required.

Rule 17

Alternates and advisers

The head of delegation may designate an alternate representative or an adviser to act as a representative.

Rule 18

Submission of credentials

1. The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretariat, if possible not later than 24 hours after the opening of the Meeting of States Parties.

2. The names of other accredited or designated representatives of observers shall similarly be submitted to the Secretariat.

3. The credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs or other authority responsible for foreign affairs.

Rule 19

Credentials Committee

A Credentials Committee shall be appointed at the beginning of the first Meeting of States Parties to serve for all Meetings of States Parties. It shall consist of nine States Parties, which shall be appointed by the Meeting on the proposal of the President. The Committee shall elect its own officers. It shall examine the credentials of representatives and report to the Meeting without delay.

Rule 20

Provisional participation

Pending a decision of the Meeting upon their credentials, representatives shall be entitled to participate provisionally in the Meeting.

Rule 21

Objection to a delegation

If an objection is raised against the representation of a delegation, such objection shall be considered by the Credentials Committee forthwith. The report thereon shall be submitted to the Meeting without delay for its decision.

V. OFFICERS

Rule 22

Election

The Meeting shall elect from among the representatives of States participating in the Meeting the following officers: a President, 14 Vice-Presidents and a Rapporteur-General, unless the Meeting shall decide otherwise. These officials shall be elected on the basis of ensuring the representative character of the General Committee; their term of office shall be decided by the Meeting.

Rule 23

General powers of the President

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall preside at the plenary meetings of the Meeting, declare the opening and closing of each meeting, direct the discussions at such meetings, accord the right to speak, put questions to the vote and announce decisions. He shall rule on points of order and, subject to these rules of

procedure, have complete control over the proceedings and over the maintenance of order thereat. The President may propose to the Meeting the limitation of time to be allowed to speakers, the limitation of the number of times each representative may speak on any question, the closure of the list of speakers, the adjournment or closure of the debate, and the suspension or the adjournment of the meeting.

2. The President, in the exercise of his functions, remains under the authority of the Meeting.

Rule 24

Acting President

1. If the President is absent from a meeting or any part thereof, he shall designate one of the Vice-Presidents to take his place.

2. A Vice-President acting as President shall have the same powers and duties as the President.

Rule 25

Replacement of the President

If the President is unable to perform his functions, a new President shall be elected.

Rule 26

Voting rights of the President

The President, or a Vice-President acting as President, shall not vote but shall designate another member of his delegation to vote in his place.

VI. GENERAL COMMITTEE

Rule 27

Composition

The General Committee shall comprise the President, who shall preside, the Vice-Presidents and the Rapporteur-General. The Chairmen of any subsidiary bodies as may be established by the Meeting shall be entitled to attend meetings of the General Committee and may participate without vote in the discussions.

Rule 28

Substitute members

If a Vice-President finds it necessary to be absent during a meeting of the General Committee, he may designate a member of his delegation to take his place in the Committee.

Rule 29

Functions

1. The General Committee shall, at the beginning of each Meeting of States Parties, consider the provisional agenda together with the supplementary list, and shall make recommendations to the Meeting, with regard to each item proposed, concerning its inclusion in the agenda, the rejection of the request for inclusion or the inclusion of the item in the provisional agenda of a future Meeting of States Parties. It shall, in the same manner, examine requests for the inclusion of additional items in the agenda and shall make recommendations thereon to the Meeting. In considering matters relating to the agenda of the Meeting, the General Committee shall not discuss the substance of any item except in so far as this bears upon the question whether the General Committee should recommend the inclusion of the item in the agenda, the rejection of the request for inclusion or the inclusion of the item in the provisional agenda of a future Meeting of States Parties, and what priority should be accorded to an item the inclusion of which has been recommended.

2. The General Committee shall assist the President and the Meeting in drawing up the agenda for each plenary meeting, in determining the priority of its items and in coordinating the proceedings of any subsidiary bodies that are established. It shall assist the President in the general conduct of the work of the Meeting which falls within the competence of the President. It shall not, however, decide any question of substance.

Rule 30

Meetings

The General Committee shall meet periodically throughout each Meeting of States Parties to review the progress of the Meeting, and any subsidiary bodies, as may be established, and to make recommendations for furthering such progress. It shall also meet at such other times as the President deems necessary or upon the request of any other of its members.

Rule 31

Participation of States Parties requesting the inclusion of items in the agenda

A State Party which has no representative on the General Committee and which has requested the inclusion of an item in the agenda shall be entitled to attend any meeting of the General Committee at which its request is discussed and may participate, without vote, in the discussion of that item.

VII. SECRETARIAT

Rule 32

Use of term

The Secretariat means the Secretary-General and the Secretariat of the United Nations as may be designated for this purpose, unless the Meeting decides otherwise.

Rule 33

Duties of the Secretary-General of the United Nations

1. The Secretary-General shall act in that capacity in the first Meeting of States Parties. He may designate a member of the Secretariat to act in his place at these meetings.

2. The Secretary-General shall perform these functions with respect to subsequent Meetings of States Parties, except in so far as the Meeting decides otherwise.

3. The Secretary-General shall provide and direct the staff required by the Meeting and any subsidiary bodies as may be established.

4. The Secretary-General and the Registrar shall ensure the necessary coordination in providing the services required for the Meetings of States Parties. 4/

Rule 34

Duties of the Secretariat

The Secretariat shall receive, translate, reproduce and distribute documents, reports, resolutions and decisions of the Meeting and any subsidiary bodies as may be established; interpret speeches made at meetings, prepare and circulate the records of the Meeting, have the custody and proper preservation

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4/ This can maybe be provided for either through an informal arrangement or in an appropriate relationship arrangement.

of the documents in the archives of the International Tribunal for the Law of the Sea, distribute all documents of the Meeting to the States Parties and observers; and generally, perform all other work which the Meeting may require.

VIII. LANGUAGES

Rule 35

Languages

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Meeting and any subsidiary bodies as may be established.

Rule 36

Interpretation

1. Speeches made in a language of the Meeting shall be interpreted into the other such languages.

2. Any representative may make a speech in a language other than a language of the Meeting. In that case he shall himself provide for interpretation into one of the languages of the Meeting. Interpretation into the other languages of the Meeting by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

Rule 37

Languages of official documents

Official documents shall be published in the languages of the Meeting.

IX. RECORDS

Rule 38

Records and sound recordings of meetings

1. Summary records of the plenary meetings of the Meeting shall be kept in the languages of the Meeting. As a general rule, they shall be circulated as soon as possible, simultaneously in all languages of the Meeting, to all representatives, who shall inform the Secretariat within five working days after the circulation of the summary record of any changes they wish to have made.

2. The Secretariat shall make sound recordings of meetings of the Meeting, and any subsidiary bodies as may be established, when they so decide.

X. PUBLIC AND PRIVATE MEETINGS

Rule 39

General principles

1. Meetings shall be held in public unless the Meeting decides otherwise.

2. As a general rule, meetings of any subsidiary bodies, as may be established, shall be held in private.

3. All decisions of the Meeting taken at a private meeting shall be announced at an early public meeting of the Meeting. At the close of a private meeting of any subsidiary body, as may be established, the President may issue a communiqué through the Secretariat.

XI. CONDUCT OF BUSINESS

Rule 40

Quorum

1. The President may declare a meeting open and permit the debate to proceed when representatives of at least one third of the States participating in the Meeting of States Parties are present.

2. The presence of representatives of a majority of the States so participating shall be required for any decision to be taken, provided that for a decision on any matter of substance the presence of representatives of two thirds of the States so participating shall be required.

Rule 41

Speeches

No representative may address the Meeting without having previously obtained the permission of the President. Subject to rules 42 and 45, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall be in charge of drawing up a list of such speakers. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 42

Precedence

The Chairman of any subsidiary body that is established may be accorded precedence for the purpose of explaining the conclusions arrived at by that body.

Rule 43

Statement by the Registrar

The Registrar, or a member of the Registry designated by him as his representative, may at any time make either oral or written statements to the Meeting concerning any question under consideration by it.

Rule 44

Statement by the Secretariat

The Secretary-General, or a member of the Secretariat designated by him as his representative, may at any time make either oral or written statements to the Meeting concerning any question under consideration by it.

Rule 45

Points of order

During the discussion of any matter, a representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with these rules of procedure. A representative of a State Party may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the States Parties present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.

Rule 46

Time-limit on speeches

The Meeting may limit the time to be allowed to each speaker and the number of times each representative may speak on any question. Before a decision is taken, two representatives of States Parties may speak in favour of, and two against, a proposal to set such limits. When the debate is limited and a representative exceeds his allotted time, the President shall call him to order without delay.

Rule 47

Closing of list of speakers and right of reply

During the course of a debate, the President may announce the list of speakers and, with the consent of the Meeting, declare the list closed. He may, however, accord the right of reply to any representative if a speech delivered after he has declared the list closed makes this desirable.

Rule 48

Adjournment of debate

During the discussion of any matter, a representative may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two representatives of States Parties may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

Rule 49

Closure of debate

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the motion shall be accorded only to two representatives of States Parties opposing the closure, after which the motion shall be immediately put to the vote. If the Meeting is in favour of the closure, the President shall declare the closure of the debate. The President may limit the time to be allowed to speakers under this rule.

Rule 50

Suspension or adjournment of the meeting

During the discussion of any matter, a representative may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The President may limit the time to be allowed to the speaker moving the suspension or adjournment of the meeting.

Rule 51

Order of procedural motions

Subject to rule 45, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

Rule 52

Initial documentation

The initial documentation of the Meeting shall consist of the report of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea under paragraph 10 of resolution I containing recommendations regarding practical arrangements for the establishment of the International Tribunal for the Law of the Sea and all other relevant documentation of the Preparatory Commission.

Rule 53

Proposals and amendments

Proposals and amendments shall normally be submitted in writing to the Secretariat, which shall circulate copies to the delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Meeting unless copies of it have been circulated to all delegations in the languages of the Meeting not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of amendments, or of motions as to procedure, even though such amendments and motions have not been circulated or have only been circulated the same day.

Rule 54

Decisions on competence

Subject to rule 51, any motion calling for a decision on the competence of the Meeting to adopt a proposal submitted to it shall be put to the vote before a decision is taken on the proposal in question.

Rule 55

Withdrawal of motions

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion thus withdrawn may be reintroduced by any representative.

Rule 56

Reconsideration of proposals

When a proposal has been adopted or rejected, it may not be reconsidered at the same Meeting of States Parties unless the Meeting, by a two-thirds majority of the States Parties present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two representatives of States

Parties opposing the motion, after which it shall be immediately put to the vote.

Rule 57

Consideration of financial or administrative implications

Before the Meeting takes a decision or makes a recommendation the implication of which might have financial or administrative implications, it shall receive and consider a report from the Secretariat on such implications.

XII. DECISION-MAKING

Rule 58

Voting rights

Each State Party shall have one vote.

Rule 59

Participation of international organizations 5/

Notwithstanding rule 58, the participation of an international organization referred to in article 305, paragraph 1 (f), of the Convention, shall in no case entail an increase of the representation to which its member States which are States Parties would be entitled, including rights in decision-making.

Rule 60

Elections of the Members of the Tribunal

The Members of the Tribunal shall, in accordance with article 4, paragraph 4, of the Statute, be elected by a two-thirds majority of the States Parties present and voting, provided that such majority includes a majority of the States Parties.

Rule 61

Consensus

The Meeting shall make every effort to ensure that all its substantive decisions are taken by consensus or general agreement.

5/ Consistent with article 4, paragraph 4, of Annex IX of the Convention.

Rule 62

Decisions on questions of substance

Subject to rule 61, decisions on all matters of substance shall be taken by a two-thirds majority of the States Parties present and voting.

Rule 63

Decisions on questions of procedure

1. Except as otherwise provided in these rules, decisions on all matters of procedure shall be taken by a simple majority of the States Parties present and voting.

2. If the question arises whether a matter is one of procedure or of substance, the President shall rule on the question. An appeal against this ruling shall immediately be put to the vote and the President's ruling shall stand unless the appeal is approved by a majority of the representatives present and voting.

Rule 64

Decisions on amendments to proposals relating to questions of substance

Decisions of the Meeting on amendments to proposals relating to questions of substance, and on parts of such proposals put to the vote separately, shall be made by a two-thirds majority of the States Parties present and voting, provided that such majority includes a majority of the States Parties participating in the Meeting of States Parties.

Rule 65

Meaning of the phrase "States Parties present and voting" and of the term "States Parties participating"

1. For the purposes of these rules, the phrase "States Parties present and voting" means States Parties present and casting an affirmative or negative vote; States Parties who abstain from voting shall be considered as not voting.

2. Subject to the provisions of rules 16 to 21 and without prejudice to the powers and functions of the Credentials Committee, the term "States Parties participating" in relation to any particular Meeting of States Parties means any State Party whose representatives have registered with the Secretariat as participating in that Meeting of States Parties and which has not subsequently notified the Secretariat of its withdrawal from that Meeting of States Parties or part of it. The Secretariat shall keep a register for this purpose.

Rule 66

Method of voting

1. The Meeting shall, in the absence of mechanical means for voting, vote by show of hands or by standing, but a representative of any State Party may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the States Parties participating in the Meeting of States Parties, beginning with the State Party whose name is drawn by lot by the President. The name of each State Party shall be called in any roll-call, and one of its representatives shall reply "yes", "no" or "abstention". The result of the voting shall be inserted in the record in the English alphabetical order of the names of the States Parties.

2. When the Meeting votes by mechanical means, a non-recorded vote shall replace a vote by show of hands or by standing and a recorded vote shall replace a roll-call vote. A representative of a State Party may request a recorded vote. In the case of a recorded vote, the Meeting shall, unless a representative of a State Party requests otherwise, dispense with the procedure of calling out the names of the States Parties; nevertheless, the result of the voting shall be inserted in the record in the same manner as that of a roll-call vote.

Rule 67

Conduct during voting

After the President has announced the commencement of voting, no representative of a State Party may interrupt the voting, except that representatives of States Parties may interrupt on a point of order in connection with the actual conduct of the voting.

Rule 68

Explanation of vote

Representatives of States Parties may make brief statements consisting solely of explanations of their votes before the voting has commenced or after the voting has been completed. The President may limit the time to be allowed for such statements. The representative of a State Party sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

Rule 69

Division of proposals and amendments

A representative of a State Party may move that parts of a proposal or of an amendment be voted on separately. If objection is made to the request for

division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are approved shall then be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Rule 70

Order of voting on amendments

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Meeting shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of the proposal.

Rule 71

Order of voting on proposals

If two or more proposals relate to the same question, the Meeting shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Meeting may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 72

Elections

All elections of officials of the Meeting shall be held by secret ballot unless otherwise decided by the Meeting.

Rule 73

Restricted balloting for one elective place

1. When one person or one State Party is to be elected and no candidate obtains in the first ballot the votes of a majority of the States Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes

are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among more than two candidates obtaining the largest number of votes, a second ballot shall be held. If on that ballot a tie remains among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the preceding paragraph.

Rule 74

Restricted balloting for two or more elective places

When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining such a majority is less than the number of persons or States Parties to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot to a number not more than twice the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible person or State Party. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

Rule 75

Equally divided votes

If a vote is equally divided on matters other than elections, a second vote shall be taken at a subsequent meeting which shall be held within forty-eight hours of the first vote; and it shall be expressly mentioned in the agenda that a second vote will be taken on the matter in question. If this vote also results in equality, the proposal shall be regarded as rejected.

XIII. SUBSIDIARY BODIES

Rule 76

Establishment

1. The Meeting may establish such subsidiary bodies as it deems necessary for the exercise of its functions.

2. The composition and competence of each subsidiary body will be determined by the Meeting.

Rule 77

Rules of procedure of subsidiary bodies

Unless otherwise decided by the Meeting, these rules apply, mutatis mutandis, to the proceedings of subsidiary bodies, except that:

(a) The Chairman of a subsidiary body may exercise the right to vote;

(b) The presence of representatives of a majority of the members of any subsidiary body shall be required for any decision to be taken.

XIV. ELECTIONS TO THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

Rule 78

Elections

The elections of the members of the International Tribunal for the Law of the Sea shall take place in accordance with the Statute of the Tribunal.

Rule 79

Eligibility for re-election 6/

The members of the International Tribunal for the Law of the Sea shall be eligible for re-election, provided, however, that of the members elected at the first election, the terms of seven members shall expire at the end of three years and the terms of seven more members shall expire at the end of six years.

Rule 80

By-elections 7/

If the office of a member of the International Tribunal for the Law of the Sea becomes vacant, the Meeting shall, in accordance with rule 78, elect a member for the remainder of his [or her] predecessor's term.

6/ Consistent with article 5, paragraph 1, of Annex VI.

7/ Consistent with article 6 of Annex VI.

XV. ADMINISTRATIVE AND BUDGETARY QUESTIONS

Rule 81

Regulations for financial administration

The Meeting shall establish regulations for the financial administration of the International Tribunal for the Law of the Sea.

Rule 82

Proposed periodic budget

The Meeting shall consider and approve the proposed periodic budget of the International Tribunal for the Law of the Sea submitted by the Tribunal.

Rule 83

Contributions 8/

The Meeting shall decide on the terms and the manner in which States Parties and the Authority shall contribute to the budget of the International Tribunal for the Law of the Sea.

XVI. AMENDMENTS

Rule 84

Method of amendment

These rules of procedure may be amended by a decision of the Meeting taken by a two-thirds majority of the States Parties present and voting, after the General Committee has reported on the proposed amendment.

8/ Consistent with article 19, paragraph 1, of Annex VI.